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United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
NICHOLAS SOLIS,  
  
Defendant.

CASE NO. 1:21-CR-00083-ADA-BAM

STIPULATION TO VACATE STATUS  
CONFERENCE AND SET CASE FOR CHANGE  
OF PLEA AND ORDER THEREON

Court: Hon. Barbara A. McAuliffe

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for a STATUS CONFERENCE on April 26, 2023.
2. By this stipulation, defendant now moves to vacate the status conference and to **set the case for a change of plea hearing on June 20, 2023, at 8:30 a.m.** before the Hon. Ana de Alba. The proposed change of plea date represents the earliest date that all counsel are available, taking into account counsels' schedules, defense counsels' commitments to other clients, and the court's available dates for a change of plea hearing. In addition, the public health concerns cited by General Orders 611, 612, 617, 618, and 620 and subsequent general orders presented by the evolving COVID-19 pandemic, an ends-of-justice delay is particularly apt in this case because counsel or other relevant individuals have been encouraged to telework and minimize personal contact to the greatest extent possible.
3. The parties agree and stipulate, and request that the Court find the following:
  - a) The discovery associated with this case has been either produced directly to

1 counsel and/or made available for inspection and copying. Counsel for the defendant believes  
2 that failure to grant the above-requested continuance would deny him/her the reasonable time  
3 necessary for effective preparation, taking into account the exercise of due diligence.

4 b) The government does not object to the continuance.

5 c) Based on the above-stated findings, the ends of justice served by continuing the  
6 case as requested outweigh the interest of the public and the defendant in a trial within the  
7 original date prescribed by the Speedy Trial Act.

8 d) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
9 et seq., within which trial must commence, the time period of April 26, 2023 to June 20, 2023,  
10 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) because it results  
11 from a continuance granted by the Court at defendant's request on the basis of the Court's  
12 finding that the ends of justice served by taking such action outweigh the best interest of the  
13 public and the defendant in a speedy trial.

14 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the  
15 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
16 must commence.

17 IT IS SO STIPULATED.

18 Dated: April 19, 2023

PHILLIP A. TALBERT  
United States Attorney

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20 By: /s/ JUSTIN J. GILIO  
21 JUSTIN J. GILIO  
22 Assistant United States Attorney

23 Dated: April 19, 2023

/s/ Yan Shrayberman  
Attorney for Defendant Uriel Diaz-Santos

**ORDER**

IT IS SO ORDERED that the status conference set for April 26, 2023, is vacated. A change of plea hearing is set for **June 20, 2023, at 8:30 a.m. before District Judge Ana de Alba**. Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

IT IS SO ORDERED.

Dated: April 19, 2023

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE